



**PROPOSED RULE MAKING
(RCW 34.05.320)**

CR-102 (7/22/01)
**Do NOT use for expedited
rule making**

Agency: Employment Security Department

- ☒ Preproposal Statement of Inquiry was filed as WSR 03-14-140 ; or
☐ Expedited Rule Making -- Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice
to WSR _____
☐ Continuance of WSR _____

(a) Title of rule: (Describe Subject) Unemployment insurance rules related to an individual's eligibility for benefits, job search requirements, job search monitoring provisions, penalties, overpayments, and the calculation of maximum benefits payable.

Purpose: Chapter 4, Laws of 2003, 2nd Special Session (2ESB 6097) made substantive revisions to the unemployment insurance program. The proposed rules are intended to clarify the requirements of that legislation, define terms, and revise existing rules consistent with the amended statutes.

Other identifying information:

(b) Statutory authority for adoption: RCW 50.12.010, RCW 50.12.040, & RCW 50.12.042

Statute being implemented: Chapter 4, Laws of 2003, 2nd Special Session (2ESB 6097)

(c) Summary: Amends rules to clarify eligibility requirements for individuals with unemployment claims effective prior to January 4, 2004, or January 4, 2004 and later. Rules amended and adopted pertain to appeals, job separations, definitions of terms, notices to employers and claimants, reporting requirements, job search requirements, assessment and collection of overpayments, claimant penalties, and calculation of benefit amounts.

Reasons supporting proposal: To provide clarity for employers, claimants, and staff regarding how the changes in the unemployment insurance benefits program will be administered, and to replace obsolete rules with language consistent with the amended statutes.

(d) Name of Agency Personnel Responsible for:

Office Location

Telephone

1. Drafting.....Juanita Myers

212 Maple Park, Olympia

(360) 902-9665

2. Implementation.... Annette Copeland

212 Maple Park, Olympia

(360) 902-9303

3. Enforcement..... Annette Copeland

212 Maple Park, Olympia

(360) 902-9303

(e) Name of proponent (person or organization): Employment Security Department

- ☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:
None.

(g) Is rule necessary because of:

- Federal Law? ☐ Yes ☒ No
Federal Court Decision? ☐ Yes ☒ No
State Court Decision? ☐ Yes ☒ No

If yes, ATTACH COPY OF TEXT

Citation:

(h) HEARING LOCATION:

Employment Security Department
Maple Leaf Conference Room, 2nd Floor
212 Maple Park Drive
Olympia, Washington

Date: July 14, 2004 Time: 2:30 p.m.

Assistance for persons with disabilities: Contact
Mary Mendoza by July 13, 2004

TDD (360) 902-9589 or (360) 9281

Submit written comments to:

Larry Oline, Acting Rules Coordinator
Employment Security Department
P.O. Box 9046
Olympia WA 98506
FAX (360) 438-3226 By (date) July 13, 2004

DATE OF INTENDED ADOPTION: July 23, 2004

CODE REVISER USE ONLY

NAME (TYPE OR PRINT)

Dr. Sylvia P. Mundy

SIGNATURE

TITLE

Commissioner

DATE

(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

Rules in Chapter 192 WAC are amended or adopted to conform to 2ESB 6097, passed by the 2003 Legislature. The legislation made substantive changes in the laws governing eligibility for unemployment benefits, the calculation of benefits, job search requirements, and penalties and requalification requirements for claimants. The rules clarify that the maximum benefits payable on a claim will be permanently reduced to 26 times the weekly benefit (from 30) when the unemployment rate reaches 6.8% or below. The rules further clarify the conditions under which an individual will be determined to have left work voluntarily without good cause or have been discharged for work-related misconduct, and the disqualification periods for such individuals. Rules regarding gross misconduct are adopted.

The job search requirements under the new law are clarified. Policies regarding excused absences from job search review interviews are established, as well as the penalties for failure to participate in a job search review interview when directed.

Overpayment regulations are updated to be consistent with the new law, and the provision that benefits paid to an individual discharged for misconduct are recoverable and repayment cannot be waived.

The changes to the law and regulations will result in fewer individuals qualifying for unemployment benefits, and those who do qualify will be eligible for fewer benefits. This should result in reduced costs to employers.

Does proposal change existing rules? ☒ YES ☐ NO If yes, describe changes:

Existing job separation and job search rules are revised to clarify that certain requirements apply only to individuals whose claim is effective prior to January 4, 2004. Certain job separation rules are revised to comply with the new voluntary quit and misconduct sections of 2ESB 6097. Other sections amended simply revise statutory or regulatory citations or references.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.
A copy of the statement may be obtained by writing to:

telephoning: ()
faxing: ()

☒ No. Explain why no statement was prepared

The rules will not impose more than minor costs on businesses in an industry or on small businesses in particular. Any costs associated with the changes to the unemployment insurance benefits program result from the legislation, not from the regulations implementing the legislative changes.

(l) Does RCW 34.05.328 apply to this rule adoption? ☒ Yes ☐ No

Please explain: The rules substantively change existing rules and, as provided in 2ESB 6097, establish qualifications and requirements related to the receipt of unemployment benefits.

A copy of the preliminary cost benefit analysis is available from Juanita Myers, Unemployment Insurance Rules Coordinator, at (360) 902-9665 or jmyers@esd.wa.gov.